

Approved: Kaylan E. Lasky
KAYLAN E. LASKY
Assistant United States Attorney

Before: THE HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York

21 MAG 3982

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: **SEALED COMPLAINT**
UNITED STATES OF AMERICA
: Violations of 18 U.S.C.
- v. - §§ 1038(a)(1) and 2
: COUNTY OF OFFENSE:
MALIK SANCHEZ, : NEW YORK
a/k/a "Smooth Sanchez," :
Defendant. :
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

RYAN SYMONS, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and a member of the FBI's Joint Terrorism Task Force ("JTTF"), and charges as follows:

COUNT ONE

(False Information and Hoaxes)

1. On or about February 13, 2021, in the Southern District of New York and elsewhere, MALIK SANCHEZ, a/k/a "Smooth Sanchez," the defendant, knowingly engaged in conduct with intent to convey false and misleading information under circumstances where such information may reasonably be believed and where such information indicated that an activity had taken, was taking, or would take place that would constitute a violation of Title 18, United States Code, Sections 844(i) and 2332a(a), to wit, SANCHEZ conveyed a hoax threat to detonate a bomb in the vicinity of a restaurant in Manhattan.

(Title 18, United States Code, Sections 1038(a)(1) and 2.)

The bases for my knowledge and the foregoing charge are, in part, as follows:

2. I am a Special Agent with the FBI and a member of the FBI's New York-based JTTF, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and other people, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Background

3. Based on my participation in this investigation, including my review of videos that MALIK SANCHEZ, a/k/a "Smooth Sanchez," the defendant, has posted on social media and other internet sites, I have learned, among other things, that SANCHEZ self-identifies as an "Incel."

4. Based on my participation in this investigation, including my review of "Incel" message boards and websites and publicly available news articles, and my conversations with other law enforcement officers, I have learned, among other things, that the terms "Incel" and "Involuntary Celibate" refer to members of a group founded on the belief that society unjustly denies them sexual or romantic attention, to which they believe they are entitled. The Incel community is primarily an online community composed of individuals – most of whom are men – who blame political or social movements, such as feminism, for empowering others to deny them romantic or sexual attention. Through online activity and in some instances violence, Incels primarily target those who they believe are unjustly denying them sexual or romantic attention, which in most cases are women. Incels have conducted at least five lethal attacks in the United States and Canada since 2014, resulting in 28 deaths. For example, in May 2014, Elliot Rodger, whom Incels generally regard as the group's founder, attacked a sorority house and pedestrians in Santa Barbara, California, with a knife, firearms, and a vehicle, killing six and injuring 14 victims. Prior to the attack, Rodger posted an online video titled "Elliot Rodger's Retribution," and shared a written manifesto describing his grievance towards women and detailing a plan for their mass imprisonment and murder.

5. Based on my participation in this investigation, including my review of publicly available information, publicly accessed internet posts, materials obtained pursuant to grand jury subpoenas from internet and social media providers, law enforcement reports and records, and my conversations with law enforcement officers and others, as well as my training and experience, I have learned, among other things, that:

a. MALIK SANCHEZ, a/k/a "Smooth Sanchez," the defendant, has posted multiple videos to social media accounts depicting SANCHEZ walking in public areas of Manhattan and harassing and, in at least one instance, harming individuals that SANCHEZ encounters. Many of these videos appear to have been livestreamed – i.e., SANCHEZ simultaneously recorded and broadcasted the videos online in real-time – and show SANCHEZ expressing support for Incel ideology.

b. For example, on or about February 7, 2021, SANCHEZ posted publicly on his Instagram account ("SANCHEZ Instagram Account-1"¹) a video ("Video-1") that was filmed in lower Manhattan. The caption on Video-1 includes "INCEL ARMY RISE UP." Video-1 depicts, among other things, an interaction between SANCHEZ and two women walking down the street, during which SANCHEZ² states, in substance and in part, "You think I could get

¹ Based on my review of publicly visible content on SANCHEZ Instagram Account-1, documents from Instagram, and New York City Police Department ("NYPD") reports, the profile photo for the account depicts SANCHEZ; the account username includes SANCHEZ's alias, "Smooth Sanchez"; and the subscriber phone number associated with the account, which ends in 7799 (the "SANCHEZ Phone Number"), is the cellphone number that SANCHEZ provided to NYPD officers following his arrest on or about March 20, 2021, described below.

² SANCHEZ does not appear on screen during Video-1. Based on my participation in this investigation, including my review of other videos posted on SANCHEZ's social media accounts in which SANCHEZ does appear on screen, I believe that the male voice on Video-1 is SANCHEZ's.

that number? Fuck you two. Go make a TikTok video and chase Chad.”³ Based on my training and experience, I am aware that “Chad” is a term commonly used by Incels to refer to an archetypal white male who is very successful at gaining sexual and romantic attention from women. Video-1 subsequently depicts SANCHEZ yelling to the two women and other individuals, in substance and in part, “Fuck you on behalf of the Incels. Fuck you. I’m a virgin for life,” as well as the following:

Fuck you, you bitch. It’s ‘cause of you, it’s ‘cause of you that I’m a virgin - I have Incel rage. You know what? Elliot Rodgers was good. Elliot Rodgers was a good guy. I swear to God. Elliot Rodgers was a good guy. I swear to God that he should have blown their brains out a long time ago. I swear to fucking God. They deserved to be run over and hit by a truck. They deserved to be slaughtered. Slaughtered and hit by a fuckin’ truck. Fuck these fuckin’ bitches, man. Fuck.

c. As another example, on or about March 20, 2021, SANCHEZ posted publicly on one of his YouTube accounts (“SANCHEZ YouTube Account-1”⁴) a video (“Video-2”) that was filmed in lower Manhattan. Video-2 depicts, among other things, SANCHEZ⁵ walking up to an outdoor seating area on the street, in which two

³ Descriptions and quotations of videos set forth herein are based on review of those videos and are subject to revision upon the preparation of transcriptions.

⁴ Based on my review of publicly visible content on SANCHEZ YouTube Account-1, documents from YouTube and other service providers, and NYPD reports, the profile photo for SANCHEZ YouTube Account-1 depicts SANCHEZ; the display name for SANCHEZ YouTube Account-1 is SANCHEZ’s alias, “Smooth Sanchez”; the banner on top of the account’s page lists SANCHEZ Instagram Account-1; the subscriber email address for the account includes SANCHEZ’s first name (“Email Address-1”); and the subscriber recovery SMS phone number for Email Address-1 is the SANCHEZ Phone Number.

⁵ SANCHEZ appears on screen in Video-2 prior to the portion of Video-2 described herein. Based on my participation in this investigation, including my review of the entirety of Video-2, as well as my review of other videos posted on SANCHEZ’s social media accounts, I believe that the male voice on Video-2 in the footage described above is SANCHEZ’s.

pairs of women are sitting, and asking, in substance and in part, if the women "like rap music." SANCHEZ then turns to approximately four individuals behind SANCHEZ on a stoop, while at certain points mimicking pointing a gun with his fingers on one hand, and states, in substance and in part, "Elliot fucking Rodgers, baby. I pull out the Glocks, baby. I, I, I do it all day. I really pull out the Glocks and I - I bust that shit. I bust that shit. I fucking bust that shit for Elliot Rodgers all fucking day," and "Incels' finest. Incel army leader, for the king, Elliot Rodgers." Immediately afterward, SANCHEZ walks into the outdoor seating area and says to two of the women seated there, in substance and in part, "You need to know Elliot Rodgers, baby. You need to know Elliot Rodgers, baby." The video shows multiple individuals attempt to get SANCHEZ to stop. One such male individual ("Victim-1") then walks away and into a store; SANCHEZ follows Victim-1 and sprays pepper-spray in Victim-1's face. SANCHEZ was arrested shortly thereafter by the NYPD and was subsequently charged with assault, harassment, and possession of a weapon; SANCHEZ was thereafter released on bail.

The Bomb Threat Hoax

6. Based on my participation in this investigation, including my review of publicly available information, publicly accessed internet posts, materials obtained pursuant to grand jury subpoenas from internet and social media providers, and law enforcement reports and records, and my conversations with witnesses, law enforcement officers, and others, as well as my training and experience, I have learned, among other things, that:

a. On or about February 13, 2021, MALIK SANCHEZ, a/k/a "Smooth Sanchez," the defendant, posted publicly a video ("Video-3") on SANCHEZ YouTube Account-1 that was filmed outside a restaurant located in the Flatiron neighborhood of Manhattan. Video-3 depicts, among other things, the following:

i. SANCHEZ⁶ approaches an enclosed outdoor seating area located in front of the restaurant. SANCHEZ states, in substance and in part, "Let's enhance their meal."

ii. SANCHEZ then walks inside the enclosed outdoor seating area and stands close to two women ("Victim-2" and "Victim-3"), who are seated at one of the tables inside.

iii. SANCHEZ states loudly, in substance and in part:

Allahu Akbar. Allahu Akbar. Bomb detonation in two, in two minutes. I take you with me and I kill all you. I kill all you right now. And I kill all you for Allah. Fuck, fuck that shit. I'm gonna Allah. I'm gonna do it. I'm gonna fucking do it for Allah. I'm gonna do it, for, Allah, Allah, Allahu Akbar, Come on. I do it, bomb now, bomb now.

iv. As SANCHEZ makes these statements threatening to detonate a bomb, Victim-2 and Victim-3 appear startled, gather their belongings, exit the enclosed outdoor seating area, and go into the restaurant. Approximately four other individuals seated within the enclosed outdoor seating area grab their belongings, exit the enclosed outdoor seating area, and run away.

v. SANCHEZ then walks away from the vicinity of the restaurant, and states, in substance and in part, "Yo, all of them scattered" and "Holy shit. Holy shit boys. That was fucking five stars. That was five stars. Holy shit, huh?"

vi. At least one individual called 911 in connection with the bomb threat, and at least one NYPD officer responded to the scene. By that point, SANCHEZ had left the area.

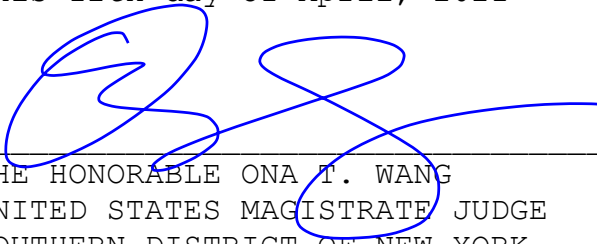
⁶ SANCHEZ appears on screen in Video-3 prior to the portion of Video-3 described herein. Based on my participation in this investigation, including my review of the entirety of Video-3, as well as my review of other videos posted on SANCHEZ's social media accounts, I believe that the male voice on Video-3 in the footage described above is SANCHEZ's.

WHEREFORE, your deponent respectfully requests that a warrant be issued for the arrest of MALIK SANCHEZ, a/k/a "Smooth Sanchez," the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

S/ Ryan Symons/otw

Special Agent Ryan Symons
Federal Bureau of Investigation
Joint Terrorism Task Force

Sworn to me through the
transmission of this Affidavit
by reliable electronic means, pursuant to
Federal Rule of Criminal Procedure 4.1,
this 12th day of April, 2021



THE HONORABLE ONA T. WANG
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK